

REMARKS

The only issues outstanding in the Office Action mailed July 20, 2006, are the rejections under 35 U.S.C. 112. The Examiner is thanked for indicating the withdrawal of various issues as set forth at page 15 of the Office Action. It is respectfully submitted that, in view of the following discussion, the claims are in condition for allowance.

Rejections Under 35 U.S.C. 112, First Paragraph

At page 19 of the present Office Action, claims 1-3, 7-9, 12-14 and 17-22 are rejected under 35 U.S.C. 112, first paragraph. It is argued, in this portion of the Office Action, that the specification does not enable one of ordinary skill in the art to make and use the invention. The thrust of this rejection appears to be the scope of the compounds of formula I. While Applicants disagree with the assertion in the Office Action, and maintain that the full scope of compounds claimed can be produced with mere routine effort by one of ordinary skill in the art, in view of the guidance given in the examples and well known principles of conventional chemistry, for business reasons unrelated to patentability the claims have been amended in order to expedite prosecution. In particular, it is submitted that amended claim 1, newly made independent claim 3, and new independent claim 24, are drawn to compounds which are explicitly supported by the disclosures in the examples and, thus, are not subject to the criticism in the Office Action. Withdrawal of this rejection is therefore also respectfully requested.

Claims 13-23 also remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. See page 2 of the present Office Action and item 3 from the previous Office Action. Here, the concern expressed in the Office Action appears to be that not all of the compounds of the present claims, which are CDK inhibitors, would be effective to treat indications listed in the claims and specification, as "no inhibitor that is selective for a single CDK has been discovered." Though it is maintained, as discussed previously, that evaluation of a CDK indicator for treatment of the given indication is mere routine in the art, in order to expedite prosecution, the claims have been amended so as to be particularly directed to the indications recited in claim 13, in part. It is thus respectfully submitted that this rejection is also moot.

In conclusion, it is submitted that the claims of the application clearly satisfy the enablement requirement, and withdrawal of the rejections under 35 U.S.C. 112, first paragraph, is respectfully requested.

Rejections Under 35 U.S.C. 112, Second Paragraph

The Examiner indicates, on page 15 of the Office Action, that various rejections under 35 U.S.C. 112, second paragraph, remain. Reconsideration of each of these rejections is respectfully requested, in view of the following discussion.

(b) This rejection is moot, inasmuch as phenyl-(CH₂)_p-R¹⁰ is no longer in the claims.

(c) Claims 7 and 8 have been cancelled inasmuch as they no longer retain relevance.

Thus, this rejection is moot.

(d) The cancellation of claims 2 and 7 renders this rejection moot.

(e) The cancellation of claims 2 and 7 renders this rejection moot.

(f) The modification of the claims so that phenyl-(CH₂)_p-R¹⁰ is no longer recited renders this rejection moot.

(h) The modification of the claims so that phenyl-(CH₂)_p-R¹⁰ is no longer recited renders this rejection moot.

(i) The modification of the claims so that phenyl-(CH₂)_p-R¹⁰ is no longer recited renders this rejection moot.

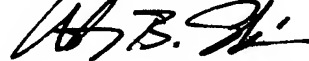
(s) Claim 14 has been clarified, rendering this rejection moot.

With respect to the subparagraphs in item 6 at page 21 of the Office Action, reconsideration of these issues is also respectfully requested. It is submitted that the Examiner is misinterpreting the claims in these rejections. Line 2 at page 4 of the prior amendment, in claim 1, states that B "stands for" a variety of moieties including C₁₋₁₂-alkylene or "for" C₁₋₁₀-alkylene ... that is substituted The portions of the text objected to in the Office Action, referring to alkylene, alkenylene or alkynylene moieties which are substituted, are stand alone definitions for B and, thus, do not *need* antecedent basis earlier in the claim. The remaining issues are also moot by the above discussed clarification of the claims.

Accordingly, it is submitted that all the rejections under 35 U.S.C. 112, second paragraph should also be withdrawn, and the application should be passed to issue. However, if the Examiner has any questions or comments, she is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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